

April 20, 2011

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



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The following constitutes
the order of the court. Signed April 20, 2011


Roger L. Efremsky
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 11-40435 RLE

KENNETH LEE SHERRILL,

Chapter 13

Debtor.

ORDER VALUING LIEN OF US BANK.
NA

On March 11, 2011, Kenneth Sherrill (hereinafter Debtor) served a motion to value the lien of US Bank, NA (hereinafter Lienholder) against the property commonly known as 195 Glenwood, Hercules, CA 94547, which lien was recorded in Contra Costa County on or about September 19, 2007 as document 026550400 (hereinafter the Lien).

The court finds that notice of the motion upon Lienholder was proper. Lienholder having failed to file timely opposition to Debtor's motion, the court hereby orders as follows:

(1) For purposes of Debtor's chapter 13 plan only, the Lien is valued at zero, Lienholder does not have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

(2) This order shall become part of Debtor's confirmed chapter 13 plan.

1 (3) Upon entry of a discharge in Debtor's chapter 13 case, the
2 Lien shall be voided for all purposes, and upon application by Debtor,
3 the court will enter an appropriate form of judgment voiding the Lien.

4 (4) If Debtor's chapter 13 case is dismissed or converted to one
5 under another chapter before Debtor obtains a discharge, this order
6 shall cease to be effective and the Lien shall be retained to the
7 extent recognized by applicable nonbankruptcy law, and upon
8 application by the Lienholder, the court will enter an appropriate
9 form of order restoring the Lien.

10 (5) Except as provided by separate, subsequent order of this
11 court, the Lien may not be enforced so long as this order remains in
12 effect.

13 *** END OF ORDER ***

COURT SERVICE LIST

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